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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,175	03/12/2004	Hisayoshi Mizuhara	114208-023	9524

7590 04/25/2005

Michael S. Leonard
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,175

Applicant(s)

MIZUHARA ET AL.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-11 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07262004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claims 2, 7 and 8 are objected to because of the following informalities: The use of “11” (claim 2, line 4), “potion” (claim 7, line 3) and “3” (claim 8, line 4) are improper in context. In claim 9, many terms such as “the bottom end of the box pin or the insert pin” (line 2) lack clear antecedent basis as it would appear that claim 9 should depend from claim 8. Claim 9 is being examined on the assumption that it should depend from claim 8. The term “the box” (claim 10, line 4) lacks clear antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wasko (US 4090279).

Wasko (figures 2, 3) teaches bottom end stop structure in which fastener elements are attached to fastener tapes wherein there are plural ribs 36 that are part of an inner portion and an outer portion is formed by the rim 38 of a thicker dimension. As to claim 5, the bottom vertex in the resultant diamond-shaped gap formed between the ribs defines a dented portion facing the top end of the structure.

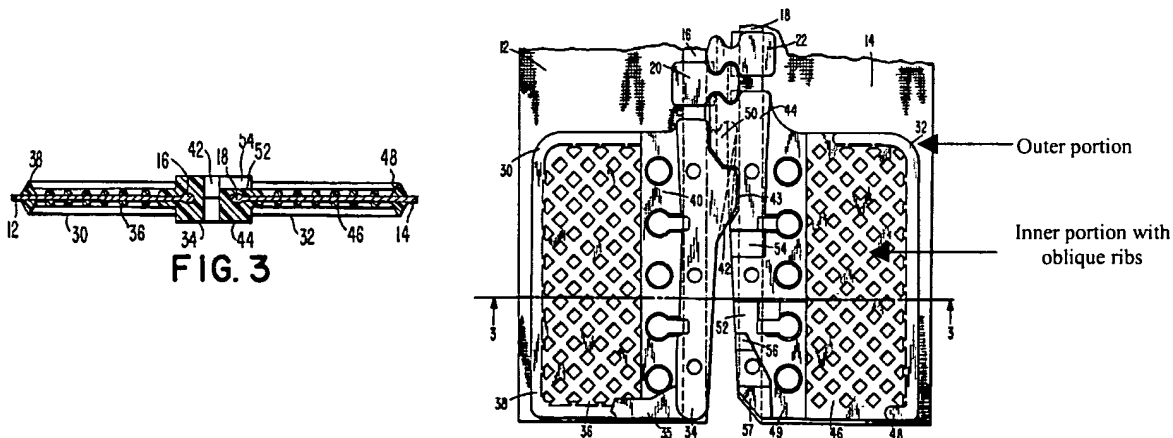


Figure 2

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

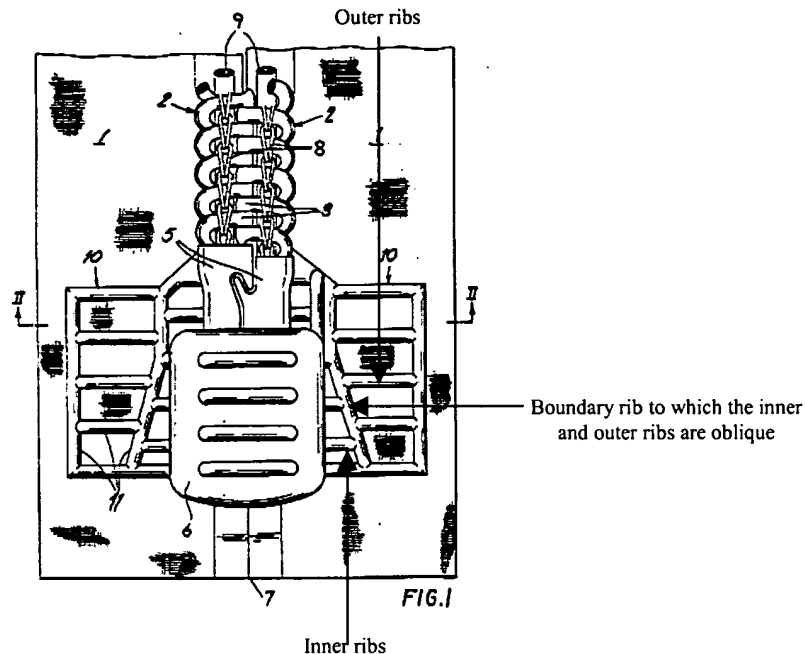
Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasko (US 4090279).

Wasko (figures 2, 3) teaches bottom end stop structure in which fastener elements are attached to fastener tapes wherein there are plural ribs 36 that are part of an inner portion and an outer portion is formed by the rim 38 of a thicker dimension. The difference is that it is not stated that the reinforcement portion penetrates into the tapes. However, applicant is given Official Notice that such penetration is common in an injection molding environment and it would have been obvious to have penetration of the resin into the tapes. As to claim 11, the particular choice of dimensions is a matter of scaling the teachings of Wasko to the appropriate environment of use and would have been obvious.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasko (US 4090279) in view of Schwendt (US 3922761).

Wasko (figures 2, 3) teaches bottom end stop structure in which fastener elements are attached to fastener tapes wherein there are plural ribs 36 that are part of an inner portion and an outer portion is formed by the rim 38 of a thicker dimension. The difference is that the outer portion is only the rim and to a set of parallel ribs. However, Schwendt (figure 1) teaches that in the environment of an inner portion with ribs oblique to a boundary structure that it is desirable

to further have an outer portion with parallel ribs oblique to a portion of the boundary rib so as to better stabilize the ribs and improve the strength of the bottom stop.



It would have been obvious to modify the bottom stop of Wasko so that the outer portion is a set of parallel ribs in view of Schwendt (figure 1) teaching that in the environment of an inner portion with ribs oblique to a boundary structure that it is desirable to further have an outer portion with parallel ribs oblique to a portion of the boundary rib so as to better stabilize the ribs and improve the strength of the bottom stop. As to the placement of the ribs relative to the end of the tape, Schwendt suggests distancing the ribs further from the end of the tape than the bottom of the pin box and renders such structure obvious. As to claim 9, the injection molding process inherently adheres the yarns of the tape together.

Allowable Subject Matter

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Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

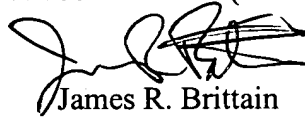
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Fröhlich (CH 508372, figure 1), Glindmeyer (DE 2008423, figure 3), Potin (US 3616939, figures 2, 5), Morin (US 3435489, figures 1, 3), Carlile et al. (US 3377668, figures 3, 4), Johns (US 3030684, figures 2, 4), Ward (US 4001922, figures 1, 2) and Kasai (US 4742603, figures 1, 2) teach pertinent zipper bottom stop structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB